

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**KELVIN JORDAN**

**PETITIONER**

**VS.**

**CIVIL ACTION NO. 2:13CV301TSL**

**PELICIA HALL, Commissioner,  
Mississippi Department of Corrections  
and EARNEST LEE, Superintendent,  
Mississippi State Penitentiary**

**RESPONDENTS**

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**ORDER GRANTING IN PART AND DENYING IN  
PART REQUEST FOR SCHEDULING ORDER**

This matter came before the court on the Petitioner's Notice of Intent to Seek Additional Relief and Request for Scheduling Order, which was filed in response to the Court's earlier Order seeking information on whether newly appointed counsel was willing to proceed on the previously filed pleadings or intended to seek new or additional relief in this matter. Jordan, through counsel, has informed the Court that he intends to seek new or additional relief, and he has asked for an order granting him 120 days to file an amended petition. The Court cannot grant such relief in the absence of a motion seeking leave to amend, and such a motion cannot be filed without attaching the proposed amended petition. To the extent that Jordan seeks 120 days within which to submit a motion for leave to amend, the Court is informed that the Respondents have no objection, and the Request is granted to that extent. The Request will be denied, however, insofar as it seeks permission to file an amended petition within that time.

IT IS, THEREFORE ORDERED, as follows:

1. The Request to file an amended petition within 120 days is denied.
2. The Request to file a motion seeking leave to file an amended petition within 120 days is granted, and that motion is due on or before November 28, 2017.

IT IS SO ORDERED, this the 3<sup>rd</sup> day of August, 2017.

/s/Tom S. Lee   
UNITED STATES DISTRICT JUDGE